

E-Filed 11/13/09

United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

GREGORY BENDER,

Case No. C 09-01249 RMW (RS)

Plaintiff,

**ORDER GRANTING IN PART
DEFENDANT'S MOTION TO
COMPEL**

v.

INTERNATIONAL BUSINESS
MACHINES CORPORATION,

Defendant.

In this patent infringement case, defendant International Business Machines Corporation ("IBM") moves to compel plaintiff Gregory Bender ("Bender") to produce amended infringement contentions ("ICs"), contending that Bender's existing ICs do not comply with the local patent rules. IBM also requests to be relieved of certain of its own discovery obligations, pending Bender's service of these amended ICs. IBM's motion was heard in this Court on November 13, 2009.

IBM's motion is granted in part. Bender shall submit revised ICs no later than 30 days from the entry of this order. IBM shall have 14 days from the date the revised ICs are served, in which to file a new motion to compel and notice it for hearing under the local rules. This motion, like all discovery motions, is subject to Civil Local Rule 37-1(a)'s meet-and-confer requirement.

1 The temporary stay of IBM's invalidity contention deadline, which the Court granted on
2 October 29, 2009, remains in place. If the 14-day period described above expires without IBM
3 renewing its motion to compel, IBM's invalidity contention deadline will re-commence running on
4 the day after the 14-day period ends. If IBM does renew its motion to compel, the temporary stay
5 will continue to remain in place pending further order.

6
7 IT IS SO ORDERED.

8 Dated: 11/13/09



10 RICHARD SEEBORG
11 UNITED STATES MAGISTRATE JUDGE